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HYUNDAI AMERICA TECHNICAL CENTER, INC.

A Subsidiary of Hyundai Motor Company (Korea)

81 Bunsen Irvine, CA 92618 Tel: (949) 585-7105 Fax: (949) 585-7100

March 8, 2004

Dr. Jeffrey W. Runge, M.D. Administrator National Highway Traffic Safety Administration 400 Seventh Street, S.W. Washington, D.C. 20590 NH15A-04-17/39-/

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Re:

Petition for a Determination of Inconsequential Noncompliance with FMVSS 101, 105 and 135, Letter Height Requirements for Brake/ABS System Warning Lights

Dear Dr. Runge:

Pursuant to Part 556 of Title 49 of the Code of Federal Regulations, Kia Motors America, Inc. and Kia Motors Corp. request exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act, Title 49, Subtitle VI, Part A, Chapter 301, Subchapter II, Section 30118 (notification of defects and noncompliance) and Section 30120 (remedies for defects and noncompliance) for failure to comply with provisions in Federal Motor Vehicle Safety Standards 101, 105 and 135 pertaining to the letter height requirements for brake system warning lights.

Kia has determined that the brake and ABS warning lights in 460,792 Sephia, Spectra, and Sedona models do not meet the letter height requirements of FMVSS 101, 105 and 135. Each of these vehicles utilize a brake warning light in the driver's instrument cluster that consists of the word "BRAKE" in combination with the International Standards Organization (ISO) symbol for brake malfunction. In the case of ABS equipped vehicles, the instrument cluster also includes a separate warning light that consists of the abbreviation "ABS" in combination with the ISO symbol for an ABS brake malfunction. The height of the entire brake or ABS warning light for these vehicles ranges from a low of 6 mm for the Brake light in the Kia Sephia to a high of 6.8 mm for the ABS light in the Kia Sedona. However, the "BRAKE" or "ABS" lettering within the warning light is less than the minimum letter height standard of 3.2 mm required by FMVSS 101, 105 and 135.

Kia has also determined that the ABS warning lights in 35,266 Rio, Sephia, and Sorento equipped with an ABS system do not meet the letter height requirements of FMVSS 101, 105 and 135. As with the other models described above, the Rio, Sephia, and Sorento utilizes a ABS warning light in the driver's instrument cluster that consists of the abbreviation "ABS" in combination with the ISO symbol for an ABS brake malfunction. The height of the entire ABS warning light for the Rio is 6.5 mm. The height of the entire ABS warning light for the Sephia and Sorento is 6 mm. However, the height of "ABS" lettering within the warning light is 2 mm for Rio, 2.8 mm for Sephia, and 1.9 mm for Sorento.

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Specific information regarding the size of the brake and ABS warning light in each vehicle, including the size of incorporated lettering, is provided in Attachment A to this petition.

Kia has submitted a 49 CFR Part 573.5 noncompliance notification to the agency, which details the affected vehicles. Please reference the letter from Mr. Alfred Gloddeck to Mr. Kenneth N. Weinstein dated March 8, 2004, provided as Attachment B to this petition.

NHTSA has acted on four petitions involving brake system warning lights that were in noncompliance with the labeling requirements of FMVSS 101, 105 or 135:

- In 1982, NHTSA granted a Subaru of America, Inc. petition involving passenger vehicles which used the ISO symbol in conjunction with the word "brake," but where the lettering of "brake" was only 2.2 mm high. NHTSA agreed that the positioning of the warning light, combined with the ISO symbol, was an easily identifiable and very readable display. 47 FR 31347, July 19, 1982.
- In 1985, NHTSA denied a Volkswagen of America, Inc. petition involving passenger vehicles which also used the ISO symbol instead of the word "brake." 50 FR 28678, July 15, 1985
- In 1986, recognizing the then growing use and acceptance of ISO symbols for vehicle controls and displays, NHTSA granted a Alfa Romeo, Inc. petition involving passenger vehicles which also used the ISO symbol instead of the word "brake." 51 FR 36769, October 15, 1986.
- In 1994, NHTSA granted a Ford Motor Company petition involving passenger vehicles which, instead of having the brake system warning light identified by the word "brake," had it instead identified by the International Standards Organization (ISO) symbol. 59 FR 40409, August 8, 1994. In granting this petition NHTSA commented that recognition of ISO symbols among the public had been increasing and was likely to increase still further over time.

In support of this petition Kia is providing color photographs of the instrument cluster of each of the affected vehicle models taken from the driver's vantage. (See Attachment C.) These photographs demonstrate that the brake and ABS system warning lights are positioned for ready viewing by the driver. Also, they are illuminated in red (for the brake warning light) or yellow (for the ABS light), colors which are generally understood by vehicle uses to be indicators of an unsafe condition.

The brake and antilock system warning lights in all the Kia vehicles involved in this petition include an ISO symbol combined with the word "brake" or the abbreviation "ABS." As NHTSA

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predicted in its notice granting the Ford Motor Company petition discussed above, recognition of ISO symbols among the public has steadily increased over recent years. Indeed, NHTSA has recently proposed the adoption of ISO symbols for controls and displays in motor vehicles, including the same ISO symbols utilized by Kia in the affected vehicles. 68 FR 55217, September 23, 2003. As NHTSA stated in this Notice of Proposed Rule Making:

The ISO symbol set has existed for many years. The great majority of vehicles manufactured for sale in the U.S. already use many of these symbols. As a result, U.S. drivers have become familiar with many of them through exposure in their current vehicles. 68 FR 55128.

Kia believes that the ISO symbols which it uses in conjunction with the word "brake" and abbreviation "ABS" are commonly understood by the driving public. Moreover, the combined height of the symbol and lettering ranges from 6 mm to 6.8 mm, which significantly exceeds the 3.2 mm standard of FMVSS 101, 105 and 135. All these factors (positioning, color, use of the ISO symbol, and combined size of both the lettering and symbol) combine to assure "an easily identifiable and very readable display."

For these reasons, it is very unlikely that a vehicle user would either fail to see or fail to understand the meaning of the brake or ABS warning light in affected vehicles. Nor has Kia received any complaints regarding the size or visibility of either light. As a result, this noncompliance with the letter height requirements of FMVSS 101, 105 and 135 is inconsequential to motor vehicle safety, and Kia requests that the affected vehicles be exempted from the notification, recall and remedy provisions of Section 30120 of the Safety Act.

We welcome the opportunity to discuss any aspect of this petition with you or members of your staff. If there are any questions, please do not he sitate to contact my office at (949) 585-7105.

Sincerely yours,

Alfred Gloddeck

Sr. Manager - Corporate Affairs

Alfred Gloddick

cc: Mr. Kenneth E. Weinstein, Associate Administrator for Safety Assurance

Size of Brake Warning Lights

Attachment A

MODEL	Model Years	BRAKE		ABS	
		Letter Height (a)	Symbol Height (b)	Letter Height (c)	Symbol Height (d)
	- -			<u>c</u> ↑	d da
Sephia (ABS equipped only)	MY 1995 - MY 1999	N/A	T WA		- 6
Sephia	MY 2000 - MY 2001		6		6
Spectra	MY 2000 - MY 2004		6		6
Sedona	MY 2002 - MY 2004	- Lo	6	1.0	6.8
Sorento (ABS equipped only)	MY 2003 - MY 2004	MA	TOWA .		6
Rio (ABS equipped only)	MY 2001 - MY 2004		TO COMM		6.5

^{*} N/A : not applicable

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March 8, 2004

ATTACHMENT B

Mr. Kenneth N. Weinstein
Associate Administrator for Safety Assurance (NSA-01)
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

Re: Notice of Noncompliance with Letter Height Requirements in FMVSS 101, 105, and 135

Dear Mr. Weinstein:

The following information is submitted in accordance with the requirements of Part 573, Title 49 of the Code of Federal Regulations.

573.6 (C)(1) Manufacturer: Importer: Agent Designated by Manufacturer:	Kia Motors Corp. Kia Motors America, Inc. Alfred Gloddeck, Hyundai America Technical Center, Inc.
573.6 (C)(2) Identification of Véhicle, Make, Model Year and Manufacturing Date:	144,003 Kia Sephia vehicles, model years 1995 to 2001, manufactured from November 30,1994 through May 10, 2001;
,	189,181 Kia Spectra vehicles, model years 2000 to 2004, manufactured from January 18, 2000 through December 30, 2003;
•	33,023 Kia Sorento vehicles(ABS equipped only), model years 2003 to 2004, manufactured from March 1, 2002 through January 28, 2004;
	128,565 Kia Sedona vehicles, model years 2002 to 2004, manufactured from March 20, 2001 through December 24, 2003;
	1,286 Kia Rio vehicles (ABS equipped only), model years

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	2001 to 2004, manufactured from	n May 4, 2000 through	
•	December 14, 2003.		
573.6 (C)(3) Total Number of Vehicles:	Model and Model Year	Total Number of Vehicles	
	Sephia, MY 1995 – MY 1999 (ABS equipped only)	957	
	Sephia, MY 2000 – MY 2001	143,046	
	Spectra, MY 2000 – MY 2004	189,181	
. ,	Sorento, MY 2003 – MY 2004 (ABS equipped only)	33,023	
•	Sedona, MY 2002 - MY 2004	128,565	
•	Rio MY 2001 – MY 2004 (ABS equipped only)	1,286	
573.6 (C)(4) Percentage of Vehicles Estimated to Actually Contain the Noncompliance:	100% of the vehicles identified in 573.6(C)(3) are affected.		
573.6 (C)(5) Description of the Noncompliance:	Kia has determined that the brake and ABS warning lights in affected Sephia, Spectra, and Sedona vehicles do not comply with the 3.2 mm letter height requirement of FMVSS 101, 105 and 135. Specifically, although the entire warning light including ISO symbol substantially exceeds that standard, the letters in the word "BRAKE" and in the "ABS" abbreviation are less than 3.2 mm. Kia has also determined that the ABS warning lights in affected Rio and Sorento vehicles do not comply with the 3.2 mm letter height requirement of FMVSS 101, 105 and 135. Specifically, although the entire warning light including ISO symbol substantially exceeds that standard, the letters in the "ABS" abbreviation are less than 3.2 mm.		
	Specific information regarding the size of the brake and		

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	ABS warning light in each vehicle, including the size of incorporated lettering, is provided in Attachment A.	
573.6 (C)(7) Basis for Noncompliance Determination:	Kia Motor Corp. first became aware of this condition during a routine audit for FMVSS compliance of the Sedona. After noting that the Brake and ABS lettering did not seem to meet the height requirements of FMVSS 101, 105 and 135, a review of other models was undertaken. Drawings related to all U.S. specification Kia models were reviewed. Afterwards, the vendor instituted changes in production as soon as possible. Although Kia Motor Corp. believes that this does not impair the safety of affected vehicles, Kia Motor Corp. has determined that the height of the ABS or BRAKE lettering on the affected models does not meet the letter of the height specifications noted in the standards. Kia Motors America is unaware of any complaints from	
	consumers regarding the size or visibility of the brake warning light or the ABS warning light. Kia is not aware of any accidents or injuries that have occurred as a result of this condition.	
573.6 (C)(8) Program to Remedy Noncompliance:	Kia is petitioning NHTSA under 49 CFR Part 556 for a determination of inconsequential noncompliance and exemption from the notification and remedy requirement of the National Traffic and Motor Vehicle Safety Act.	
573.6 (C)(9) – (11) Notices:	Kia is petitioning NHTSA under 49 CFR Part 556 for a determination of inconsequential noncompliance and exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act.	

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Sincerely yours,

Alfred Gloddeck

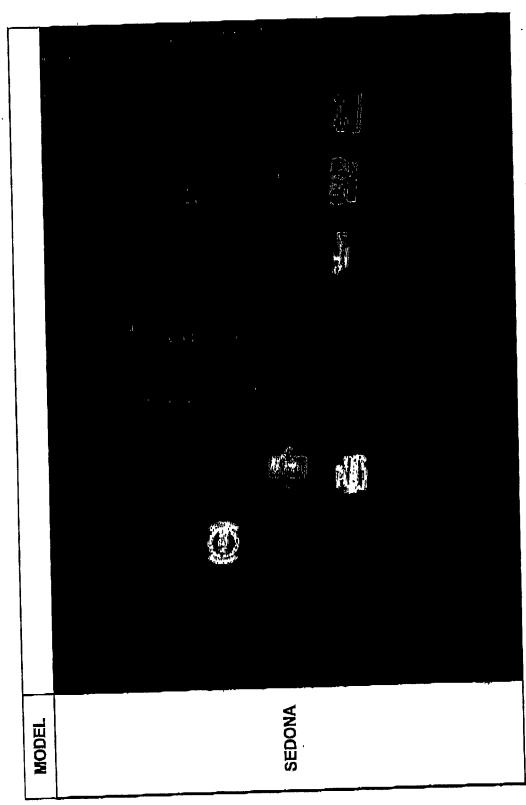
Sr. Manager - Corporate Affairs

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cc: Dr. Jeffrey Runge, Administrator

Mr. Jon White, Defects and Recall Analysis Division





2:59PM

2.ABS, BRAKE LAMP (INSTRUMENT) MODEL

